REMARKS

In the non-final Office Action, the Examiner rejected claims 1-2, 4, 20, 21, and 23 under 35 U.S.C. § 102(e) as being anticipated by MAUGER et al. (U.S. Patent No. 6,507,577); and rejected claims 3, 5, 7, 8, 11, and 24 under 35 U.S.C. § 103(a) as being unpatentable over MAUGER et al. in view of BORELLA et al. (U.S. Patent No. 6,731,642).

Claims 1-5, 7, 8, 11-18 and 20, 21, 23, and 24 were pending in the present application prior to the above amendments. New claim 25 has been added, claim 3 has been canceled without prejudice or disclaimer and claims 1, 5, 7, 8, 11, and 24 have been amended to improve form. No new matter has been added by way of the present amendments. Accordingly, claims 1, 2, 4, 5, 7, 8, 11-18 and 20, 21, and 23-25 are now pending. Reconsideration and allowance of all claims in view of the following remarks are respectfully requested.

As an initial matter, it is noted that the Examiner failed to explicitly indicate the status of claims 12-18 in the present Office Action. Although these claims are briefly mentioned in the Examiner's discussion of the rejection of claims 3, 5, 7, 8, 11, and 24, it is unclear whether the Examiner wishes to included the above-noted claims into this rejection. For the purposes of this response, claims 12-18 will be considered to be rejected under 35 U.S.C. §103(a) as unpatentable over MAUGER et al. in view of BORELLA et al. However, an explicit and detailed indication regarding the present status of claims 12-18 is respectfully requested.

Rejections Under 35 U.S.C. § 102

Claims 1-2, 4, 20, 21, and 23 were rejected under 35 U.S.C. § 102(e) as being anticipated by MAUGER et al. Applicants respectfully traverse.

A proper rejection under 35 U.S.C. § 102 requires that a reference teach *each and every aspect* of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present. See M.P.E.P. § 2131. MAUGER et al. does not disclose, either explicitly or inherently, each of the features recited in Applicant's claims 1-2, 4, and 20-23, as amended.

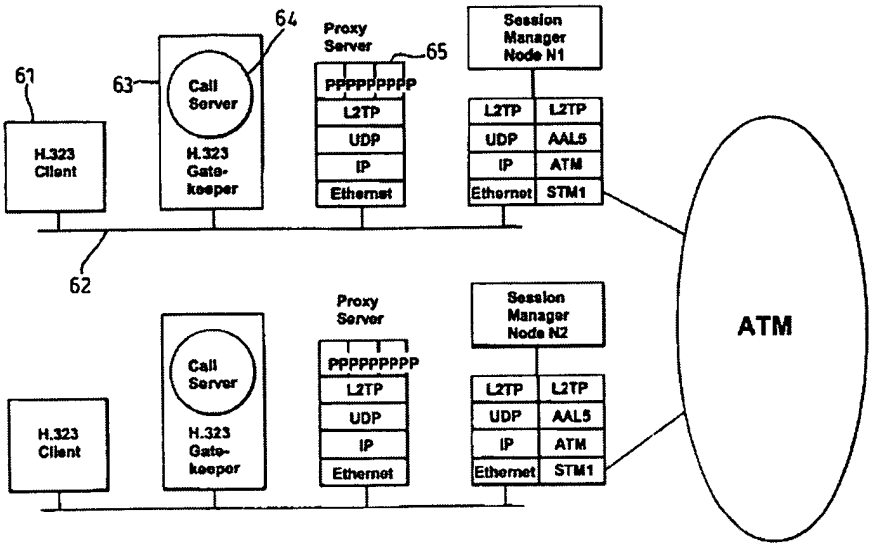
For example, independent claim 1, as amended, recites a method for providing quality of service in an Internet Protocol (IP) telephony session between a calling party and a called party. The method includes assigning a first temporary session IP proxy destination address for said called party at a first device having IP capability and ATM capability; assigning a second temporary session IP proxy source address for said calling party at a second device having IP capability and ATM capability; establishing an ATM virtual circuit for said session between said first device and said second device based on the assigned first and second temporary session IP proxy addresses; transporting IP telephony media for said session between said calling party and said first device; and transporting IP telephony media for said session between said called party and said second device. MAUGER et al. fails to disclose the combination of features recited in Applicants' amended claim 1.

In particular, MAUGER et al. does not disclose or suggest assigning a first temporary session IP proxy destination address for said called party at a first device

having IP capability and ATM capability and assigning a second temporary session IP proxy source address for said calling party at a second device having IP capability and ATM capability as recited in claim 1. Although these features are newly added with respect to claim 1, these features were previously included in claim 5, and rejected under a combination of MAUGER et al. and BORELLA et al., with the Examiner indicating that these features are disclosed by MAUGER et al. (Office Action, pg. 5).

Applicants respectfully submit that neither MAUGER et al. nor BORELLA et al. teach or disclose assigning a first temporary session IP proxy destination address for said called party at a first device having IP capability and ATM capability and assigning a second temporary session IP proxy source address for said calling party at a second device having IP capability and ATM capability, as recited in claim 1. In making the rejection of claim 5, the Examiner indicated that MAUGER et al. discloses a proxy server associated with an ATM VOIP system (Office Action, pg. 3), but that MAUGER et al. fails to disclose or suggest identifying the first device by a temporary session IP proxy address for the called party and identifying the second device by a temporary session IP proxy address for the calling part (Office Action, pp. 4-5) To remedy this deficiency, the Examiner cited col. 5, lines 1-15 of BORELLA et al. for allegedly disclosing assigning IP proxy addresses for called/calling parties at the first/second device. Applicants respectfully disagree with the Examiner's interpretation of MAUGER et al. and BORELLA et al.

Fig. 6 of MAUGER et al. is reproduced below:



Furthermore, col. 6, lines 43-54, (describing Fig. 6) disclose:

> In FIG. 6 a preferred network configuration that exploits the capabilities of the tunnel network of FIG. 5 to deliver voice over IP services is shown. A number of H.323 client terminals 21 operate on a LAN together with an H.323 gatekeeper 22, a number of proxy servers 23 and a tunnel switch 24. The proxy servers 23 act as the endpoints of the tunnels so that the H.323 client terminals are not restricted in the applications that they can support in addition to the H.323 client. Advantageously, each gatekeeper 22 incorporates a call server function 25 which is able to operate SS7 signaling with other gatekeepers or with PSTN/ISDN switches (not shown) in the external network.

This Figure and associated section of MAUGER et al. disclose proxy servers (labeled as 'Proxy Server' in Fig. 6) acting as end points for the tunnels established by the session manager nodes N1 and N2 respectively.

As noted by the Examiner, MAUGER et al. does not disclose or even remotely suggest assigning a first temporary session IP proxy destination address for said called party at a first device having IP capability and ATM capability and assigning a second temporary session IP proxy source address for said calling party at a second device

having IP capability and ATM capability, and establishing an ATM virtual circuit for said session between said first device and said second device based on the assigned first and second temporary session IP proxy addresses, as recited in claim 1.

At col. 5, lines 1-15, BORELLA et al. disclose:

> A consequence of the network address translation performed by routers 18 and 20 is that the source and/or destination addresses in a data packet may no longer refer to devices which are actually connected to that network. In such cases, the source and/or destination addresses are "proxy" addresses. The proxy addresses serve to identify devices on a given network that are actually connected to a different network. First and second routers 18 and 20 each have a pool of available proxy public addresses, to identify devices on intermediate network 12, as well as a pool of available of proxy private addresses, to identify devices on edge networks 14 and 16. Moreover, before routers 18 and 20 can perform network addresses, they must allocate any needed proxy addresses from their pool of available proxy addresses.

This section of BORELLA et al. discloses that proxy addresses may be allocated from a pool of available proxy addresses. This section of BORELLA et al. does not disclose or suggest assigning a first temporary session IP proxy destination address for said called party at a first device having IP capability and ATM capability and assigning a second temporary session IP proxy source address for said calling party at a second device having IP capability and ATM capability, and establishing an ATM virtual circuit for said session between said first device and said second device based on the assigned first and second temporary session IP proxy addresses, as recited in claim 1. Rather, it would appear to disclose generally known proxy addressing conventions, by which devices connected to a router or other network device may be assigned proxy addresses. Clearly, there is no suggestion to assign a first temporary session IP proxy destination addresses to the called party at the first device, IP telephony media for the session is transmitted between the calling party and the first device. Similarly, there is no

suggestion to assign a second temporary session IP proxy source addresses to the calling party at the second device, IP telephony media for the session is transmitted between the called party and the second device.

For at least these reasons, Applicants respectfully submit that claim 1 is patentable over at MAUGER et al. whether taken alone or in combination with BORELLA et al. Reconsideration and withdrawal of the pending rejection are respectfully requested.

Claims 2 and 4 depend from claim 1. Accordingly, these claims are neither anticipated by MAUGER et al., nor obvious in view of MAUGER et al. and BORELLA et al. for at the reasons set forth above, with respect to claim 1. Reconsideration and withdrawal of the rejection of claims 2 and 4 are respectfully requested.

Independent claim 20 recites a system for providing a quality of service IP telephony session between a calling party and a called party. The system includes a first device connected between an IP network and an ATM network, where the first device provides bidirectional translation between IP media traffic and ATM traffic. A second device is connected between the IP network and the ATM network, the second device providing bidirectional translation between ATM traffic and IP media traffic. An intelligent control layer is provided for establishing a virtual circuit through the ATM network for an IP telephony session between the calling party and the called party, wherein the first device and the second device are assigned on a per session basis. Applicants respectfully submit that MAUGER et al. fails to disclose or suggest this combination of features.

For example, MAUGER et al. fails to disclose or suggest an intelligent control layer provided for establishing a virtual circuit through the ATM network for an IP telephony session between the calling party and the called party, *wherein the first device and the second device are assigned on a per session basis*. The Examiner cites session manager nodes of Fig. 5 of MAUGER et al. for allegedly disclosing this feature of claim 20. Applicants respectfully traverse.

Col. 6, lines 25-35 of MAUGER et al. (describing the session manager nodes) discloses:

> The system nodes 10 exchange topology state packets identifying the network topology and reporting on available bandwidth or congestion so that each node has a picture of the current status of the network. For example, a session request (A, B, DTL(N1,N2)) is a request for a PPP session between users A and B with a designated transit list (DTL) for network nodes N1 and N2. The topology state packets that are exchanged between the nodes provide sufficient information on bandwidth availability to ensure that the nodes N1 and N2 have a high probability to provide a successful routing.

This section of MAUGER et al. discloses that the session manager nodes perform network monitoring functions. Clearly, these nodes are not equivalent to the first and second device being assigned on a per session basis, as recited in claim 20. For at least this reason, claim 20 is not anticipated by MAUGER et al. Reconsideration and allowance of claim 20 are respectfully requested.

Claims 21 and 23 depend from claim 20. Claims 21 and 23 are not anticipated by MAUGER et al. for at least the reasons given above with respect to claim 20.

Rejections under 35 U.S.C. § 103

Claims 3, 5, 7, 8, 11, and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over NAGAMI et al. In view of BORELLA et al. Applicants respectfully traverse.

A proper rejection under 35 U.S.C. § 103 requires that three basic criteria be met. First, there must be some suggestion or motivation, either in the references themselves, or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest each and every claim limitation. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not the applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). The cited combination of MAUGER et al. and BORELLA et al. fail to disclose or reasonably suggest the combination of features recited in Applicants' claims 3, 5, 7, 8, 11, and 24.

Claims 3 has been canceled without prejudice or disclaimer.

Independent claim 5 recites a method of providing quality of service in an IP telephony session between a calling party and a called party. The method includes assigning a temporary IP proxy destination address to the called party at a first access control manager operatively connected with the calling party via a first IP network. A temporary IP proxy source address is assigned to the calling party at a second access control manager operatively connected with the called party via a second IP network. A switched virtual circuit for the session is established between the first access control

manager and the second access control manager. IP media traffic is routed from said calling party to said called party IP proxy destination address at said first access control manager via the first IP network. IP media traffic is routed from said called party to said calling party IP proxy source address at said second access control manager via the second IP network. IP media traffic received at said called party IP proxy address is translated at said first access control manager to ATM traffic for transport through said virtual circuit from said first access control manager to said second access control manager. IP media traffic received at said calling party IP proxy address is translated at said second access control manager to ATM traffic for transport through said virtual circuit from said second access control manager to said first access control manager. The cited combination of MAUGER et al. and BORELLA et al. fails to disclose or reasonably suggest the combination of features recited in Applicants' claim 5.

For example, neither MAUGER et al. nor BORELLA et al. discloses or suggests assigning a temporary IP proxy destination address to the called party at a first access control manager operatively connected with the calling party via a first IP network and assigning a temporary IP proxy source address is assigned to the calling party at a second access control manager operatively connected with the called party via a second IP network. The Examiner cites col. 5, lines 1-15 of BORELLA et al. for disclosing the use of proxy addressing. Applicants respectfully traverse.

As discussed above, this section of BORELLA et al. discloses that proxy addresses may be allocated from a pool of available proxy addresses. This section of BORELLA et al. does not disclose or suggest assigning a temporary IP proxy destination address to the called party at a first access control manager operatively connected with

the calling party via a first IP network and assigning a temporary IP proxy source address is assigned to the calling party at a second access control manager operatively connected with the called party via a second IP network, as recited in claim 5. Rather, it would appear to disclose generally known proxy addressing conventions, by which devices connected to a router or other network device may be assigned proxy addresses. For at least this reason, claim 5 is patentable over the cited combination of MAUGER et al. and BORELLA et al.

Claims 7, 8, and 11 are dependent on claim 5. Accordingly, these claims are patentable over MAUGER et al. and BORELLA et al. for at the reasons set forth above, with respect to claim 5. Accordingly, reconsideration and withdrawal of the rejection of claims 7, 8, and 11 are respectfully requested.

Independent claim 12 recites features similar to, but different in scope from, claim 5. More particularly, claim 12 recites a method of providing quality of service in an IP telephony session between a calling party and a called party, including assigning a temporary IP proxy address to the called party at a first access control manager, the first access control manager being configured to couple an IP network to a second network at a first access point; and assigning a temporary IP proxy address to the calling party at a second access control manager, the second access control manager being configured to couple the IP network to the second network at a second access point. The cited combination of MAUGER et al. and BORELLA et al. do not disclose or suggest the combination of features recited in claim 12.

For example, neither MAUGER et al. nor BORELLA et al. disclose or suggest including assigning a temporary IP proxy address to the called party at a first access

control manager, the first access control manager being configured to couple an IP network to a second network at a first access point, as recited in claim 12. The Examiner cited Fig. 5 of MAUGER et al. as allegedly disclosing this combination of features (Office Action, pg. 5). Applicants respectfully submit that this section of MAUGER et al. fails to disclose or suggest assigning a temporary IP proxy address to the called party at a first access control manager, as required by claim 12.

Fig. 5 of MAUGER et al. is reproduced below:

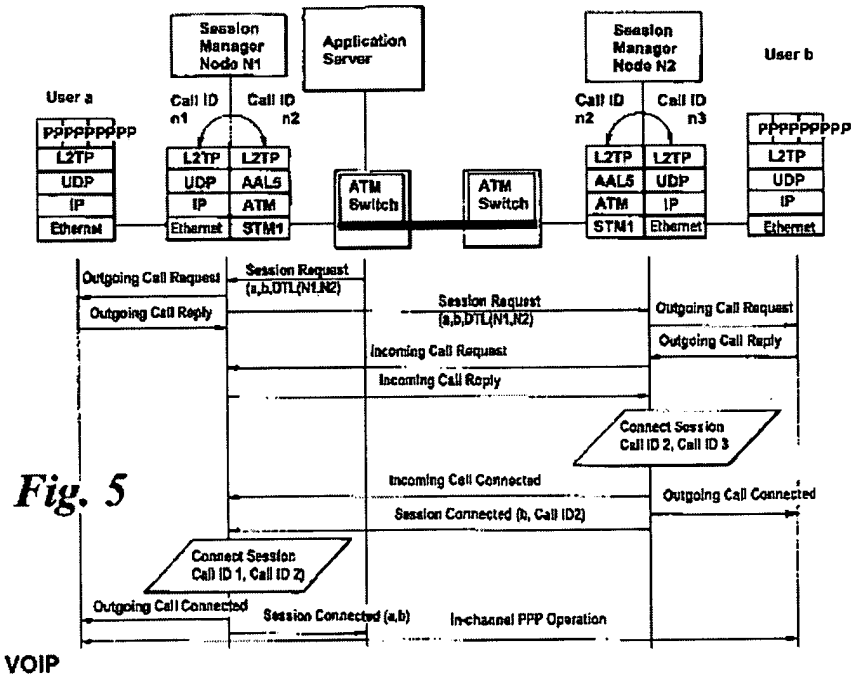


Fig. 5

As illustrated above, Fig. 5 discloses a Point to Point Protocol (PPP) Network, wherein session manager nodes connect to respective L2TP switches for mapping IP traffic to ATM traffic. This section of MAUGER et al. does not disclose or suggest assigning a temporary IP proxy address to the called party at a first access control manager, as required by claim 12. The disclosure of BORELLA et al. does not remedy the above-noted deficiency of MAUGER et al. Accordingly, claim 12 is patentable over

the cited combination of MAUGER et al. and BORELLA et al. for at least these reasons. Claims 13-18 depend from claim 12. Accordingly these claims are patentable over MAUGER et al. and BORELLA et al. for at the reasons set forth above, with respect to claim 12. Reconsideration and withdrawal of the rejection of claim 13-18 are respectfully requested.

Claim 24 is dependent on claim 20. The disclosure of BORELLA et al. does not remedy the deficiencies in the disclosure of MAUGER et al. described above, with respect to claim 20. Accordingly, claim 24 is patentable over MAUGER et al. and BORELLA et al. for at least reasons similar to those set forth above, with respect to claim 20.

New independent claim 25 recites a system for providing a quality of service IP telephony session between a calling party and a called party. The system includes a control point operatively connected to the calling party and the called party via an IP network; a first device operatively connected to the calling party via the IP network and further operatively connected to an ATM network; and a second device operatively connected to the called party via the IP network and further operatively connected to the ATM network, wherein, upon receipt of a call request from the calling party, the control point dynamically assigns a proxy source IP address associated with the second device to the calling party and a proxy destination IP address associated with the first device to the calling party, and wherein the first device and the second device establish a virtual circuit through the ATM network for an IP telephony session between the calling party and the called party using the dynamically assigned proxy source IP address and the proxy destination IP address. Applicant respectfully submits the cited art of record does not

disclose or suggest the combination of features recited in claim 25. Accordingly, consideration and allowance of claim 25 is respectfully requested.

CONCLUSION

In view of the foregoing remarks, Applicants respectfully request the Examiner's reconsideration of this application, and the timely allowance of the pending claims.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 07-2347 and please credit any excess fees to such deposit account.

Respectfully submitted,

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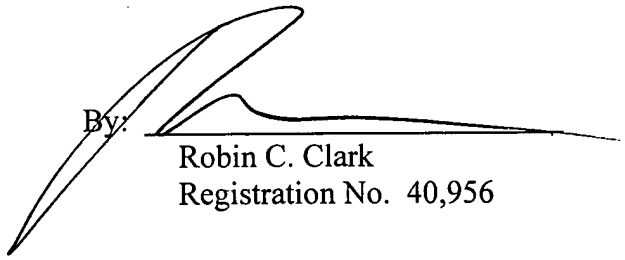

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